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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,560	02/11/2004	Franck Abelard	PF030038	2786
7590 06/12/2009				
JOSEPH S. TRIPOLI THOMSON LICENSING INC. 2 INDEPENDENCE WAY P.O. BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER BROWN, CHRISTOPHER J	
			ART UNIT 2439	PAPER NUMBER
			MAIL DATE 06/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,560

Applicant(s)

ABELARD ET AL.

Examiner

CHRISTOPHER J. BROWN

Art Unit

2439

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/5/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Request for Continued Examination has been accepted and entered.

Response to Arguments

Applicant argues storing in a table only control packets containing a descrambling key which has a changed value.

Examiner argues that Unger does teach storing in a table only control packets (ECM packets) containing a descrambling key. The examiner argues it is well known in the art that each key is different, but has included Chen US 2004/0083177 to explicitly illustrate this point.

Applicants other arguments are moot, as further references have been removed from the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger US 2004/0062398 in view of Chen US 2004/0083177

As per claim 1, Unger teaches recording scrambled digital data comprising the steps consisting of receiving a scrambled digital data stream [0022]. Unger teaches identifying in said data stream a control packet containing at least one key for descrambling at least a part of the data of the stream (ECM) [0022]. Unger teaches storing said control packet in a table (keys stored in a table) [0024]. Unger teaches recording the data stream and the table on a data storage medium (content stored in content store) [0019]. Unger teaches the data stream received in step comprises a plurality of control packets containing at least one descrambling key, wherein the storage step is carried out only if the control packet identified in step is not already stored in said table (multiple packets have ECM and all are different with respect to a function of time or packet number) [0022], [0026].

Unger does not explicitly state that the encryption keys are of different values.

Chen teaches a series of ECM messages to encrypt a stream of data, where each key included in an ECM message is a different value key [0051], and may be stored [0050], [0051], [0053].

It would have been obvious to one of ordinary skill in the art to use keys that are all different in the system of Chen with the encryption system of Unger because it is well known and further enhances the security of the encrypted stream.

As per claim 3, Unger teaches an index indicating the position of the control packet in the data stream is moreover stored in the table (ECM as a function of time or as a function of packets received) [0025], [0026].

As per claims 4, and 5 Unger teaches the index comprises a serial number of the control packet with respect to the first packet of the data stream recorded (packet # or time index) [0025], [0026] Fig 3.

As per claim 14 Unger teaches storing step further comprises forming said table of keys in a sequence related to scrambling changes in the received stream (Fig 3).

As per claim 15 Unger teaches storing keys [0024].

Chen teaches the keys are non-duplicate values [0051].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER J. BROWN whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J Brown/
Primary Examiner, Art Unit 2439

6/10/09